

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Smith et al.

Application No.: 10/549,860

Confirmation No.: 7177

I.A. Filing Date: April 8, 2004

Art Unit: N/A

For: OVERLAY METROLOGY MARK

Examiner: Not Yet Assigned

SECOND PRELIMINARY AMENDMENT

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.